

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,
Plaintiff,

VS.

RICHARD COSTANZO,
Defendants.

8:10CR146

ORDER

This matter is before the court on the motion for an extension of time by defendant Richard Costanzo (Costanzo) ([Filing No. 28](#)). Costanzo seeks an extension of thirty (30) days in which to file pretrial motions in accordance with the progression order ([Filing No. 11](#)). Costanzo has filed an affidavit ([Filing No. 29](#)) wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Costanzo's motion for an extension of time ([Filing No. 28](#)) is granted. Costanzo is given until **on or before June 18, 2010**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **May 14, 2010 and June 18, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 14th day of May, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge